



**Connecticut Education
Association**

Governance

Sheila Cohen, President
Jeff Leake, Vice President
Cheryl Prevost, Secretary
Thomas Nicholas, Treasurer
Kathy Flaherty, NEA Director
Pat Jordan, NEA Director

Executive Office

Mark Waxenberg
Executive Director

Legal Services

Christopher P. Hankins, Esq.
Melanie I. Kolek, Esq.
Adrienne R. DeLuca, Esq.
Capitol Place, Suite 500
21 Oak Street
Hartford, CT 06106-8001
860-525-5641, 800-842-4316
Fax: 860-525-8818
Fax: 860-725-6304
www.cea.org

Affiliated with the
National Education Association

WRITTEN TESTIMONY OF

CHRISTOPHER P. HANKINS, LEGAL COUNSEL

CONNECTICUT EDUCATION ASSOCIATION

BEFORE THE

CHILDREN COMMITTEE

REGARDING

PROPOSED SENATE BILL NO. 760

**"AN ACT CONCERNING THE PHYSICAL RESTRAINT OF STUDENTS BY TEACHERS AND
SCHOOL PERSONNEL"**

FEBRUARY 14, 2013

My name is Christopher P. Hankins and I am Legal Counsel for the Connecticut Education Association. I am commenting on several aspects of Proposed Senate Bill No. 760.

1. This proposed senate bill is an excellent statutory mechanism to protect teachers and other school employees from physical injury as it would preempt any contrary school district policy requiring a school employee to physically intervene to restrain a student. By not intervening in a physical altercation, a school employee does not run the risk of sustaining a physical injury or possibly injuring fellow employees.
2. The teacher or other school employee does not have to weigh being disciplined by the school district for not following its restraint policy of physical intervention versus that of running the risk of being physically injured or having other fellow employees injured.

3. Apart from suffering the pain of a physical injury that might occur during the course of a physical restraint, the teacher or other school employee would not have to file a workers' compensation claim under chapter 568 of the Connecticut General Statutes or seek benefits under the teacher assault provisions of Connecticut General Statutes Section 10-236a.
4. In the experience of this Legal Counsel, there have been numerous instances of a teacher being involved in and the subject of an investigation of child abuse or neglect with the Department of Children and Families (DCF). Where a physical restraint of a student has been used by a teacher in the course of their employment, since there has been a physical touching of a student by the teacher, it has been an all too customary practice for this teacher to be reported to the DCF. This teacher then has the stigma of term "alleged perpetrator" attached to him or her and has to undergo a DCF investigation and all that entails merely because this teacher has acted to prevent harm to either the student being restrained or to other individuals.
5. This Senate Bill provides a good counterpoint to Connecticut General Statutes Section 53a-18 (6) which permits a teacher or other person entrusted with the care and supervision of a minor for school purposes the use of reasonable physical force upon such minor when and to the extent necessary that individual reasonably believes such to be necessary to (a) protect themselves or others from immediate physical injury, (b) obtain possession of a dangerous instrument or controlled substance, (c) protect property from physical damage or (d) restrain such minor or remove such minor to another area, to maintain order.